

Response  
Serial No. 09/698,289  
Attorney Docket No. 001448

### **REMARKS**

Claims 3 - 7 are pending in the present application. By this Amendment, claim 5 has been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated October 5, 2005.

#### **35 USC §112, Second Paragraph Rejection:**

Claims 5 is rejected under 35 USC §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This rejection is respectfully traversed.

It is respectfully submitted that claim 5 has been amended to overcome this rejection. Accordingly, withdrawal of this rejection is respectfully submitted.

#### **As to the Merits:**

As to the merits of this case, the Examiner relies on the newly cited reference of Borders (USP 6,351,678) in setting forth the following rejections:

- 1) claims 3-7 stand rejected under 35 U.S.C. §102(e) as being anticipated by Inoue;

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2) claim 6 stands rejected under 35 U.S.C. §102(e) as being anticipated by Wang et al. (U.S. Patent No. 6,489,168, of record); and

3) claims 3, 4, 5 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang et al. in view of Borders.

Each of these rejections is respectfully traversed.

**The Inoue reference:**

In Inoue, an operator sets a synthesizing protocol for carrying out the synthesizing process in the synthesizer, wherein the synthesizing protocol includes a plurality of processes for synthesizing compounds, an order of the plurality of processes, specific procedures in each process and a dispensing procedure. The dispensing procedure of the synthesizing protocol includes information with regard to an amount of liquid chemicals to be dispensed, liquid containers (6, 7, and 8) which contain the liquid chemicals to be dispensed, and reaction vessels 2 to which the liquid chemicals are dispensed.

However, while Inoue may disclose that an operator sets a synthesizing protocol according to setting pictures which are displayed in the monitor 19 (see, col. 5, lines 65-67), Inoue fails to disclose the various display devices as called for in each of independent claims 3-5.

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That is, it is respectfully submitted that Inoue fails to disclose or fairly suggest the features of claim 3 concerning *said display device is connected to a protocol creation means for creating a protocol prescribing the procedure of synthesis operation related to said vessels, and said selection means receives data related to the vessels set in creation of the protocol from said protocol creation means, causing the display device to display the selected vessels in a manner such that they can be identified on the screen from the non-selected vessels, together with the operation contents related to the selected vessels.*

In addition, it is respectfully submitted that Inoue fails to disclose or fairly suggest the features of claim 4 concerning *wherein said display device is connected to a storage means for storing a protocol prescribing a procedure of synthesis operation related to said vessels, and displays the stored protocol in said storage means on the screen for selection of one line of the displayed protocol by said selection means, causing the display device to display the selected vessels described in the selected protocol line in a manner such that they can be identified on the screen from the non-selected vessels, together with operation contents related to said selected vessels.*

Further, it is respectfully submitted that Inoue fails to disclose or fairly suggest the features of claim 5 concerning *wherein said display device is connected to said protocol execution means, and said protocol execution means reads out a protocol from said storage*

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*means one line at a time in sequence for execution, causing the display device to display the protocol line in process of execution on the screen, together with the vessels described in said protocol line and operation contents related to said vessels in a manner such that the described vessels can be identified on the screen from the non-described vessels.*

With regard to independent claims 6 and 7, it is submitted that these claims concern, for example, as discussed on pages 25-38 of the present specification, an analysis means 9, which is able to pick out all the operation contents related to a selected vessel and determine if a procedure error exists with regard to the selected vessel.

That is, the Examiner's attention is again directed to Fig. 17 in which the analysis means 9 picks out the command related to the selected vessel 3A from the protocol shown in Fig. 10 and determines if the procedure for the selected vessel 3A is correct.

It is respectfully submitted that Inoue fails to disclose such an analysis means, and further that the Examiner had failed to even assert that an analysis means is disclosed by Inoue in the outstanding Action.

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Accordingly, it is submitted that Inoue fails to anticipate independent claims 3-7, since, as discussed above, Inoue fails to teach or fairly suggest each and every feature recited in these claims.

Moreover, it is submitted that since the present application has a filing date that falls after November 29, 1999 and that the present application and the Inoue reference, at the time the invention was made, were each assigned to Shimadzu Corporation, the Inoue fails to qualify as a prior art reference under 35 USC §103 based on 35 USC §103(c).

### **The Wang et al. and Borders References**

#### **Independent Claim 3:**

With regard to Wang, it is respectfully submitted that the Examiner properly acknowledges that Wang fails to disclose or fairly suggest the features of claim 3 regarding that only the vessels that are part of the created protocol are selected such they can identified from the non-selected vessels on the display screen together with the operation contents related to the selected vessels. See, the bridging sentence between pages 6 and 7 of the Action.

In order to overcome the above-noted drawbacks and deficiencies of Wang, the Examiner relies on the newly cited secondary reference of Borders.

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However, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to combine the teachings of Borders with that of Wang, since these references belong to non-analogous arts. More specifically, while Wang is directed to computer programs and computer-implemented methods for monitoring the process and properties of parallel chemical reactions, Borders relates to medical device controllers for controlling operating room equipment such as articulated surgical table and a controllable mattress.

In addition, it is submitted that while Borders may disclose in Figs. 9-12 selection indicators 118, 120, 122, 124, which when selected is identified at the top of the screen while the other menu selections remain at the bottom of the screen, Borders fails to disclose or suggest that these selection indicators 118, 120, 122, 124, constitute vessels that are part of the created protocol and are selected such they can identified from the non-selected vessels on the display screen together with the operation contents related to the selected vessels, as called for in claim 3.

Therefore, even if, assuming *arguendo*, that Wang and Borders are combined in the manner suggested by the Examiner, such combination would fail to disclose the features of claim 3 concerning *said display device is connected to a protocol creation means for creating a protocol prescribing the procedure of synthesis operation related to said vessels, and said selection means receives data related to the vessels set in creation of the protocol from said*

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*protocol creation means, causing the display device to display the selected vessels in a manner such that they can be identified on the screen from the non-selected vessels, together with the operation contents related to the selected vessels.*

Independent Claim 4:

With regard to Wang, it is respectfully submitted that the Examiner properly acknowledges that Wang fails to disclose or fairly suggest the features of claim 4 regarding that only the vessels that are described in the selected protocol line are selected such they can identified from the non-selected vessels on the display screen. See, the bridging sentence between pages 6 and 7 of the Action.

In order to overcome the above-noted drawbacks and deficiencies of Wang, the Examiner relies on the newly cited secondary reference of Borders.

However, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to combine the teachings of Borders with that of Wang, since these references belong to non-analogous arts. More specifically, while Wang is directed to computer programs and computer-implemented methods for monitoring the process and properties of parallel chemical reactions, Borders relates to medical device controllers for controlling operating room equipment such as articulated surgical table and a controllable mattress.

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Moreover, Borders fails to disclose or suggest that these selection indicators 118, 120, 122, 124, constitute *selected vessels described in the selected protocol line in a manner such that they can be identified on the screen from the non-selected vessels, together with operation contents related to said selected vessels*, as called for in independent claim 4.

Therefore, even if, assuming *arguendo*, that Wang and Borders are combined in the manner suggested by the Examiner, such combination would fail to disclose the features of claim 4 concerning *wherein said display device is connected to a storage means for storing a protocol prescribing a procedure of synthesis operation related to said vessels, and displays the stored protocol in said storage means on the screen for selection of one line of the displayed protocol by said selection means, causing the display device to display the selected vessels described in the selected protocol line in a manner such that they can be identified on the screen from the non-selected vessels, together with operation contents related to said selected vessels*.

Independent Claim 5:

With regard to Wang, it is respectfully submitted that the Examiner properly acknowledges that Wang fails to disclose or fairly suggest the features of claim 5 that only the vessels that are described in the selected protocol line that is being executed are selected such they can identified from the non-selected vessels on the display screen.



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In order to overcome the above-noted drawbacks and deficiencies of Wang, the Examiner relies on the newly cited secondary reference of Borders.

However, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to combine the teachings of Borders with that of Wang, since these references belong to non-analogous arts. More specifically, while Wang is directed to computer programs and computer-implemented methods for monitoring the process and properties of parallel chemical reactions, Borders relates to medical device controllers for controlling operating room equipment such as articulated surgical table and a controllable mattress.

Moreover, Borders fails to disclose or suggest that these selection indicators 118, 120, 122, 124, constitute only the vessels that are described in the selected protocol line that is being executed are selected such they can identified from the non-selected vessels on the display screen.

Therefore, even if, assuming *arguendo*, that Wang and Borders are combined in the manner suggested by the Examiner, such combination would fail to disclose the features of claim 5 concerning *wherein said display device is connected to said protocol execution means, and said protocol execution means reads out a protocol from said storage means one line at a time in sequence for execution, causing the display device to display the protocol line in process of*

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*execution on the screen, together with the vessels described in said protocol line and operation contents related to said vessels in a manner such that the described vessels can be identified on the screen from the non-described vessels.*

Independent claims 6 and 7:

With regard to claims 6 and 7, it is submitted that these claims are directed to the second embodiment of the present invention discussed on pages 25-38 of the present specification, and more particularly to an analysis means 9, which is able to pick out all the operation contents related to a selected vessel and determine if a procedure error exists with regard to the selected vessel.

For example, as illustrated in Fig. 17 of the present application, an analysis means 9 picks out the command related to the selected vessel 3A from the protocol shown in Fig. 10 and determines if the procedure for the selected vessel 3A is correct.

With regard to Wang, it is respectfully submitted that while Wang does disclose a data analysis module 145, such module 145 is for performing quantitative calculations on sampled data (see, col. 6, lines 29-31, 61-65) and not for picking out commands related to a selected vessel from a protocol and determining if the procedure for the selected vessel is correct, as called for in each of independent claims 6 and 7.

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In response, the Examiner argues on page 4 of the Action that Wang discloses these features of claims 6 and 7 and directs Applicants' attention to col. 6, lines 36-43 of the reference. However, it is submitted that the reactor control system 100 determining whether the reaction occurring in a vessel has reached a specified conversion target or system 100 adding a quenching agent is entirely different from picking out commands related to a selected vessel from a protocol and determining if the procedure for the selected vessel is correct, as called for in each of independent claims 6 and 7.

As such, it is submitted that Wang fails to anticipate independent claim 6.

In addition, it is submitted that Borders fails to teach the above-noted drawbacks and deficiencies of Wang with regard to the features of independent claim 7. As such, the Examiner has failed to establish a *prima facie* case of obviousness concerning claim 7.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

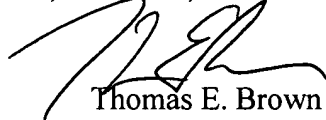
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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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